

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	
	)	
Donald R. Katz et al.	)	Examiner: Unassigned
	)	
Serial No.: Unassigned	)	Art Unit: Unassigned
	)	
Filed: May 29, 2001	)	
	)	
For: APPARATUS AND METHOD FOR UPDATING	)	
CONTENT IN A PLAYBACK DEVICE	)	
(AS AMENDED)	)	
Rule 1.53(b) Divisional of:	)	
Serial No.: 09/234,044	)	
Filed: January 19, 1999, which is a	)	
Rule 1.53(b) Continuation of:	)	
Serial No.: 08/710,114	)	
Filed: September 12, 1996	)	

BOX PATENT APPLICATION  
 Assistant Commissioner for Patents  
 Washington, D.C. 20231

**TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321(c)**

The undersigned attorney represents that the undersigned attorney is the attorney of record for the above-referenced patent application.

The assignee of the entire right, title, and interest in and to the above-referenced patent application is Audible, Inc. ("assignee"),  
 (Name of Assignee)

a Delaware corporation having a place of business at  
 (State of Incorporation)

65 Willowbrook Boulevard, Wayne, NJ 07470

(Address)

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The terminal part of any patent granted on the above-identified application that would extend beyond the expiration of the full statutory term of

X      United States Patent No. 5,926,624, entitled "A DIGITAL INFORMATION LIBRARY AND DELIVERY SYSTEM WITH LOGIC FOR GENERATING FILES TARGETED TO THE PLAYBACK DEVICE", and dated July 20, 1999, as presently shortened by any terminal disclaimer, and

X      any patent granted on application number 09/234,044

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

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X      any patent granted on application number 09/234,044

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors, or assigns.

No disclaimer is being made as to any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term of

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in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

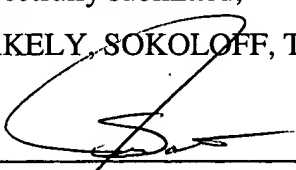
Enclosed is a check for \$ 110.00 for the fee under 37 C.F.R. § 1.20(d).

Please charge Deposit Account No. 02-2666 for any fee deficiency that may be due. A duplicate of this Terminal Disclaimer is enclosed for Deposit Account charging purposes.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 5/29/, 2001

  
James H. Salter (Reg. No. 35,668)

Customer No. 008791  
12400 Wilshire Boulevard  
Seventh Floor  
Los Angeles, California 90025  
(408) 720-8300

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Date of Deposit: May 29, 2001

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